



DOCKET NO.: 249091US8X

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

IN RE APPLICATION OF:

Kiyotaka OTSUJI, et al.

SERIAL NO: 10/780,566

GROUP: 2622

FILED: February 19, 2004

EXAMINER:

FOR: INFORMATION MANAGEMENT APPARATUS, INFORMATION OUTPUT  
SYSTEM, PORTABLE TERMINAL, AND INFORMATION OUTPUTTING  
METHOD

**LETTER**

Mail Stop DD  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Submitted herewith is a People's Republic of China Office Action for the Examiner's consideration. The reference cited therein has been previously filed on January 09, 2006.

Respectfully Submitted,

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*Spec*



# THE PATENT OFFICE OF THE PEOPLE'S REPUBLIC OF CHINA

Address: 6 Xi Tu Cheng Lu, Haidian, Beijing

Post Code: 100088

Applicant:	<b>NTT DOCOMO, INC.;</b> <b>HEWLETT-PACKARD COMPANY</b>	Date of Notification: Date: <u>09</u> Month: <u>06</u> Year: <u>2006</u>
Attorney:	<b>LI LING</b>	
Application No.:	<b>200410007269.9</b>	
Title of the Invention:	<b>INFORMATION MANAGEMENT APPARATUS, INFORMATION OUTPUT SYSTEM, PORTABLE TERMINAL, AND INFORMATION OUTPUTTING METHOD</b>	

## Notification of the second Office Action

- ☒ The examiner received the response submitted by the applicant on 2006.05.11 to the first Office Action and further examination as to substance has been carried out on the above-identified patent application for invention on this new basis.  
☐ According to the Reexamination Decision made by the Patent Reexamination Board of the Patent Office on \_\_\_\_\_ examination as to substance on the above-identified application has been resumed.
- Further examination as to substance has been carried out based on the documents as specified below:  
☐ The amended application documents attached to the response to the previous Office Action.  
☒ The application documents based on which the previous examination was carried out and the substitution pages attached to the response to the previous Office Action.  
☐ The application documents based on which previous examination was carried out.  
☐ The application documents confirmed by the Reexamination Decision.
- ☒ No further reference documents are cited in this Office Action.  
☐ Below is/are the reference document(s) cited in this Notification:

No.	Number(s) or Title(s) of Reference(s)	Date of Publication (or the filing date of conflicting application)
1		Date: __ Month: __ Year: __
2		Date: __ Month: __ Year: __
3		Date: __ Month: __ Year: __
4		Date: __ Month: __ Year: __
5		Date: __ Month: __ Year: __

### 4. Conclusions of the Action:

- ☐ On the Specification:
- ☐ The amendments to the description do not comply with Article 33 of the Patent Law.
  - ☐ The subject matter contained in the application is not patentable under Article 5 of the Patent Law.
  - ☐ The description does not comply with Article 26 paragraph 3 of the Patent Law.
  - ☐ The draft of the description does not comply with Rule 18 of the Implementing Regulations.

- ☒ On the Claims:
- ☐ The amendments to claims \_\_\_\_\_ do not comply with Article 33 of the Patent Law.
  - ☒ Claim(s) 5-10 is/are not patentable under Article 25 of the Patent Law.
  - ☒ Claim(s) 1-4 does/do not comply with the definition of inventions prescribed by Rule 2 paragraph 1 of the Implementing Regulations.
  - ☐ Claim(s) \_\_\_\_\_ does/do not possess the novelty as required by Article 22 paragraph 2 of the Patent Law.
  - ☐ Claim(s) \_\_\_\_\_ does/do not possess the inventiveness as required by Article 22 paragraph 3 of the Patent Law.
  - ☐ Claim(s) \_\_\_\_\_ does/do not possess the practical applicability as required by Article 22 paragraph 4 of the Patent Law.
  - ☐ Claim(s) \_\_\_\_\_ does/do not comply with Article 26 paragraph 4 of the Patent Law.
  - ☐ Claim(s) \_\_\_\_\_ does/do not comply with Article 31 paragraph 1 of the Patent Law.
  - ☐ Claim(s) \_\_\_\_\_ does/do not comply with the provisions of Rules 20-23 of the Implementing Regulations.
  - ☐ Claim(s) \_\_\_\_\_ does/do not comply with Article 9 of the Patent Law.
  - ☐ Claim(s) \_\_\_\_\_ does/do not comply with the provisions of Rule 12 paragraph 1 of the Implementing Regulations.
- The detailed explanation of the above conclusions is set forth in the text portion of the Notification.

5. In view of the conclusions set forth above, the Examiner is of the opinion that:

- ☐ The applicant should make amendments to the application documents as directed in the text portion of the Notification.
- ☐ The applicant should expound in the response reasons why the application is patentable and make amendments to the application where there are deficiencies as pointed out in the text portion of the Notification, otherwise, the application will be rejected.
- ☒ The application contains no allowable invention, and therefore, if the applicant fails to submit sufficient reasons to prove that the application does have merits, it will be rejected.
- ☐

6. The followings should be taken into consideration by the applicant in making the response:

- (1) Under Article 37 of the Patent Law, the applicant should respond to the office action within 2 months counting from the date of receipt of the Notification. If, without any justified reason, the time limit is not met, the application shall be deemed to have been withdrawn.
- (2) Any amendments to the application should be in conformity with the provisions of Article 33 of the Patent Law. Substitution pages should be in duplicate and the format of the substitution should be in conformity with the relevant provision contained in "The Examination Guidelines".
- (3) The response to the Notification and/or revision of the application should be mailed to or handed over to the "Reception Division" of the Patent Office, and documents not mailed or handed over to the Reception Divisions have no legal effect.
- (4) Without an appointment, the applicant and/or his agent shall not interview with the Examiner in the Patent Office.

7. This Notification contains a text portion of 5 pages and the following attachments:

- ☐ \_\_\_ cited reference(s), totaling \_\_\_ pages. ☐

Examination Dept. \_\_\_\_\_ Examiner: \_\_\_\_\_ Seal of the Examination Department

## **Text of the Second Office Action**

Application No. 200410007269.9

The applicant submitted the observations and the amended application documents on May 11, 2006. Specifically, the applicant amended the claims and made corresponding amendments to the part "summary of the invention" of the description. Of the claims, claims 6-8 are deleted, new claims 1 and 3 are formed by adding claims 2 and 4 respectively to claims 1 and 3, and added the phrase "for realizing a drag and drop operation on a real three-dimensional space" to all the subject matter claimed by the independent claims. After reading the above documents, the examiner continues the examination of this application and thinks that this application still has no prospect to be granted a patent right. The reasons are as follows.

1. Claim 1 does not comply with Rule 2.1 of the IRCPL (Implementing Regulations of the Chinese Patent Law).

Filed 1/9/06 ~  
Claim 1 claims an information management apparatus. Reference 1 (CN1346474A) has disclosed a system and method for accessing local information, and has specifically revealed the following technical features (see Claim 1, 2 and Figs.1-3 of Reference 1): a local information searching system, comprising: a server computer, a plurality of consumer computers and a plurality of information provider computers, the information provider computer providing various information, the consumer computer including a communication device for communicating with said server computer (corresponding to the signal transmission means in the present application); input means for receiving a geographic area input by the consumer computer (corresponding to the output request receiving means and the image data receiving means) and for storing the searching geographic area input by the user; a remote query means (corresponding to the output destination

information retrieval means) for transmitting the stored judge criteria and searching geographic area to said server computer to query the database; and a GPS destination data output means (corresponding to the information output means) for outputting query results of the query means to the consumer computer, wherein the server computer comprises a database (corresponding to the information storage means) for storing information data including an identifier of the information provider, a position of the information, and a description of other information. The server computer comprises the database, input means and remote query means, which respectively correspond to the information storage means, information acquisition means and retrieval means of Claim 1.

Claim 1 differs from Reference 1 in that, (1) the information management apparatus in Claim 1 also comprises identification information acquisition means for analyzing image data transmitted from said portable terminal in response to said inquiry signal and received by said image data receiving means, and for acquiring identification information relevant to an output apparatus, involved in said image data, while Reference 1 does not explicitly indicate that it comprises such information acquisition means. However, the input means for receiving the geographic area input by the consumer computer must identify the received information so as to obtain the meaning of the information conveyed from the consumer computer. Therefore, the above technical feature can be directly derived from Reference 1; (2) the output apparatus information storage means stores information relevant to an output apparatus including image data, while the data stored in the database in Reference 1 are information data relative to an identifier of information provider, a position of the information, and a description of other information. That is to say, the difference only lies in storing data of different contents and types; (3) although the data contents processed by the database, input means and remote query means contained in the server computer are different from those processed by the information storage means, information acquisition means

and retrieval means disclosed in Claim 1, the above means perform completely the same functions.

It can be seen that, the technical solution of Reference 1 has revealed all the hardware construction of Claim 1. Claim 1 differs from the above mentioned most related prior art only in that, the information management apparatus system in Claim 1 is used for processing particular information (specifically, goods information in the present application) **so as to realize the real commercial output business, that is, “for realizing a drag and drop operation on a real three-dimensional space” recited in the Claims.** That is to say, Claim 1 simply applies the existing system which performs information delivery and generalization and analysis over network and performs query to management and query of merchandise goods, utilizes the feature that the computer is rapid, efficient and capable of processing mass data in place of manual operation, stores, generalizes and queries goods information by taking advantage of the facile and in-time processing feature of the network, thereby enabling the user to choose goods remotely and in-time according his demands. Therefore, the contribution made by the content sought to be protected in Claim 1 to the prior art only lies in processing the data relevant to goods information by using a well known system, thereby enabling shortcut and accurate network-based purchase of goods. Since the solved problem and the created effect only relate to information processing and query by using the features of the computer and network, they are not technical, and substantively relate to a commercial method for managing merchandise goods. In summary, although the content sought to be protected in Claim 1 adopts a certain technical measure, it makes a non-technical contribution to the most related prior art in terms of the solved problem and the created effect. Therefore, the content as claimed in Claim 1 is not a technical solution as stipulated in Rule 2.1 of the IRCPL.

2. The solution as claimed in Claim 2 does not comply with Rule 2.1 of the

IRCPL.

Claim 2 claims an information management apparatus. Reference 1 has disclosed most of the technical features of Claim 2 (see the comments on Claim 1).

Claim 2 differs from Reference 1 in that, (1) the information management apparatus in Claim 2 also comprises the identification information acquisition means and the converting means for converting identification information into global identification information, while Reference 1 does not explicitly indicate that it comprises such information acquisition means and converting means. However, the input means for receiving the geographic area input by the consumer computer must identify the received information so as to obtain the meaning of the information conveyed from the consumer computer, and the input means in Reference 1 outputs GPS information. Therefore, the above technical features can be directly derived from Reference 1; (2) the output apparatus information storage means stores information relevant to an output apparatus including image data, while the data store in the database in Reference 1 are information data relative to an identifier of information provider, a position of the information, and a description of other information. That is to say, the difference only lies in storing data of different contents; (3) although the data contents processed by the database, input means and remote query means contained in the server computer are different from those processed by the information storage means, information acquisition means and retrieval means disclosed in Claim 2, the above means perform completely the same functions.

It can be seen that, the technical solution of Reference 1 has revealed all the hardware construction of Claim 2. Claim 2 differs from the above mentioned most related prior art only in that, the information management apparatus system in Claim 2 is used for processing particular information (specifically, goods information in the present application), while the local information searching system in Reference 1 is used for managing other

information. Although the content sought to be protected in Claim 2 adopts a certain technical measure, it makes a non-technical contribution to the most related prior art in terms of the solved problem and the created effect (see the comments on Claim 1). Therefore, the content as claimed in Claim 2 is not a technical solution as stipulated in Rule 2.1 of the IRCPL.

3. The solutions as claimed in Claims 3–4 do not comply with Rule 2.1 of the IRCPL.

Claim 3 claims an information management apparatus comprising output apparatus information storage means, output request receiving means, identification information acquisition means, output destination information retrieval means and information output means (i.e. a part of the means in Claim 1). Reference 1 has disclosed most of the technical features of Claim 3 (see the comments on Claim 1). Claim 3 differs from Reference 1 in that, (1) the information management apparatus in Claim 3 also comprises the identification information acquisition means, while Reference 1 does not explicitly indicate that it comprises such information acquisition means. However, the input means for receiving the geographic area input by the consumer computer must identify the received information so as to obtain the meaning of the information conveyed from the consumer computer, and the input means in Reference 1 outputs GPS information. Therefore, the above technical feature can be directly derived from Reference 1; (2) the output apparatus information storage means stores information relevant to an output apparatus, while the database in Reference 1 stores information data including an identifier of information provider, a position of the information, and a description of other information. That is to say, the difference only lies in storing data of different contents.

It can be seen that, the technical solution of Reference 1 has revealed all the hardware construction of Claim 3. Claim 3 differs from the above mentioned most related prior art only in that, the information management



apparatus system in Claim 3 is used for processing particular information (specifically, goods information in the present application) **so as to realize the real commercial output business, that is, “for realizing a drag and drop operation on a real three-dimensional space” recited in Claim 1.** Although the content sought to be protected in Claim 3 adopts a certain technical measure, it makes a non-technical contribution to the most related prior art in terms of the solved problem and the created effect (see the comments on Claim 1). Therefore, the content as claimed in Claim 3 is not a technical solution as stipulated in Rule 2.1 of the IRCPL.

For the same reason, although the content sought to be protected in the new Claim 4 (corresponding to the original Claim 9) adopts a certain technical measure, it makes a non-technical contribution to the most related prior art in terms of the solved problem and the created effect (see the comments on Claim 1). Therefore, the content as claimed in Claim 4 is not a technical solution as stipulated in Rule 2.1 of the IRCPL.

4. Claims 5-10 falls into the circumstances as stipulated in Art.25.1 (2) of the CPL (Chinese Patent Law).

Claim 5 claims an information outputting method. Reference 1 (CN1346474A) has disclosed a system and method for accessing local information, and has specifically revealed most of the technical features (see the comments in the first Office Action). Claim 5 differs from the above mentioned most related prior art only in that, the information outputting method in Claim 5 is used for processing particular information (specifically, goods information in the present application) **so as to realize the real commercial output business, that is, “for realizing a drag and drop operation on a real three-dimensional space” recited in the claims,** while the local information searching system in Reference 1 is used for managing other information. That is to say, Claim 5 simply applies the existing system which

performs information delivery and generalization and analysis over network and performs query to management and query of merchandise goods. utilizes the feature that the computer is rapid, efficient and capable of processing mass data in place of manual operation, stores, generalizes and queries goods information by taking advantage of the facile and in-time processing feature of the network, thereby enabling the user to choose goods remotely and in-time according his demands. Therefore, the contribution made by the content sought to be protected in Claim 5 to the prior art only lies in processing the data relevant to goods information by using a well known system, thereby enabling shortcut and accurate network-based purchase of goods. Since the solved problem and the created effect only relate to information processing and query by using the features of the computer and network, they are not technical, and substantively relate to a commercial method for managing merchandise goods. In summary, although the content sought to be protected in Claim 5 adopts a certain technical measure, it makes a non-technical contribution to the most related prior art in terms of the solved problem and the created effect. Therefore, the content as claimed in Claim 5 falls into the mental activities as stipulated in Art.25.1 (2) of the CPL.

Claims 6-10 also respectively claim an information outputting method in an information output system. Similarly to Claim 5, Claims 6-10 also respectively comprise the steps of data transmission, information acquisition, retrieval, inquiry, transmission and output, etc. Reference 1 has also disclosed (or can directly derive) the above technical features of the above claims. The difference between the above claims and the prior art only lies in a commercial, non-technical application. Since the solved problem and the created effect only relate to commercial information processing and query by using the features of the computer and network, they are not technical, and substantively relate to a commercial method for managing merchandise goods. In summary, although the content sought to be protected in Claims 6-10 adopts a certain technical

measure, they make a non-technical contribution to the most related prior art in terms of the solved problem and the created effect. Therefore, the contents as claimed in Claims 6-10 fall into the mental activities as stipulated in Art.25.1 (2) of the CPL.

For the above reasons, the present application can not be allowed. Meanwhile, there is no other patentable substantive content in the specification. Therefore, even if the applicant amends the application document, the application still has no prospect to be granted a patent right. If the applicant fails to present convincing arguments within the response time limit as specified in this notification, the application will be rejected.

Examiner: ZHANG Ying



# 中华人民共和国国家知识产权局

邮政编码: 100037

北京市阜成门外大街2号万通新世界广场8层

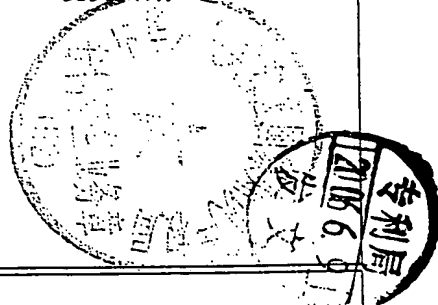
中国国际贸易促进委员会专利商标事务所

李玲

申请号: 2004100072699



发文日期



申请人: 株式会社 NTT 都科摩, 惠普公司

发明创造名称: 信息管理装置、输出系统及便携式终端和信息输出方法

## 第 2 次审查意见通知书

1. ☒ 审查员已收到申请人针对国家知识产权局专利局发出的第 1 次审查意见通知书于 2006 年 5 月 11 日提交的意见陈述书, 在此基础上审查员对上述专利申请继续进行实质审查。

☐ 根据国家知识产权局专利复审委员会于 年 月 日作出的复审决定, 审查员对上述专利申请继续实质审查。

2. ☐ 申请人于 年 月 日提交的修改文件, 不符合实施细则第 51 条第 3 款的规定, 不能被接受; 申请人应在本通知规定的期限内提交符合要求的修改文件, 否则视为未答复审查意见通知书, 申请将被视为撤回。

3. 继续审查是针对下述申请文件进行的:

☐ 上述意见陈述书中所附的经修改的申请文件。

☒ 前次审查意见通知书所针对的申请文件以及上述意见陈述书中所附的经修改的申请文件替换页。

☐ 前次审查意见通知书所针对的申请文件。

☐ 上述复审决定所确定的申请文件。

4. ☒ 本通知书未引用新的对比文件。

☐ 本通知书引用下述对比文件(其编号续前, 并在今后的审查过程中继续沿用):

编号 文件号或名称 公开日期(或抵触申请的申请日)

5. 审查的结论性意见:

☐ 关于说明书:

☐ 申请的内容属于专利法第 5 条规定的不授予专利权的范围。

☐ 说明书不符合专利法第 26 条第 3 款的规定。

☐ 说明书的修改不符合专利法第 33 条的规定。

☐ 说明书的撰写不符合实施细则第 18 条的规定。

☒ 关于权利要求书:

☐ 权利要求 不具备专利法第 22 条第 2 款规定的新颖性。

☐ 权利要求 不具备专利法第 22 条第 3 款规定的创造性。

☐ 权利要求 不具备专利法第 22 条第 4 款规定的实用性。

☒ 权利要求 5-10 属于专利法第 25 条规定的不授予专利权的范围。

☐ 权利要求 不符合专利法第 26 条第 4 款的规定。

☐ 权利要求 不符合专利法第 31 条第 1 款的规定。

☐ 权利要求 的修改不符合专利法第 33 条的规定。

☒ 权利要求 1-4 不符合专利法实施细则第 2 条第 1 款关于发明的定义。

☐ 权利要求 不符合专利法实施细则第 13 条第 1 款的规定。



- ☐ 权利要求\_\_\_\_\_ 不符合专利法实施细则第 20 条的规定。  
☐ 权利要求\_\_\_\_\_ 不符合专利法实施细则第 21 条的规定。  
☐ 权利要求\_\_\_\_\_ 不符合专利法实施细则第 22 条的规定。  
☐ 权利要求\_\_\_\_\_ 不符合专利法实施细则第 23 条的规定。  
☐ \_\_\_\_\_

上述结论性意见的具体分析见本通知书的正文部分。

6. 基于上述结论性意见, 审查员认为:

- ☐ 申请人应按照通知书正文部分提出的要求, 对申请文件进行修改。  
☐ 申请人应在意见陈述书中论述其专利申请可以被授予专利权的理由, 并对通知书正文部分中指出的不符合规定之处进行修改, 否则将不能授予专利权。  
☒ 专利申请中没有可以被授予专利权的实质性内容, 如果申请人没有陈述理由或者陈述理由不充分, 其申请将被驳回。  
☐ \_\_\_\_\_

7. 申请人应注意下述事项:

(1) 根据专利法第 37 条的规定, 申请人应在收到本通知书之日起的 2 个月内陈述意见, 如果申请人无正当理由逾期不答复, 其申请将被视为撤回。

(2) 申请人对其申请的修改应符合专利法第 33 条和实施细则第 51 条的规定, 修改文本应一式两份, 其格式应符合审查指南的有关规定。

(3) 申请人的意见陈述书和/或修改文本应邮寄或递交国家知识产权局专利局受理处, 凡未邮寄或递交给受理处的文件不具备法律效力。

(4) 未经预约, 申请人和/或代理人不得前来国家知识产权局专利局与审查员举行会晤。

8. 本通知书正文部分共有 5 页, 并附有下列附件:

☐ 引用的对比文件的复印件共 \_\_\_\_\_ 份 \_\_\_\_\_ 页。  
☐ \_\_\_\_\_

审查员: 张奎 (4411)  
2006 年 5 月 23 日

审查部门 电学发明审查部

21303  
2002.8



回函请寄: 100088 北京市海淀区蓟门桥西土城路 6 号 国家知识产权局专利局受理处收  
(注: 凡寄给审查员个人的信函不具有法律效力)

## 第2次审查意见通知书正文

申请号：2004100072699

申请人于2006年5月11日提交了意见陈述书和经过修改的申请文件，其中，申请人修改了权利要求书，并对说明书的发明内容部分作出相应修改。权利要求书中，删除权利要求6-8，将权利要求2、4分别补入权利要求1、3，形成新的权利要求1、3，并将独立权利要求请求保护的主体全部补入“用于在现实三维空间中实现拖放操作”。审查员在阅读了上述文件后，对本案继续进行审查，认为，本申请仍然不具备授权前景，理由如下：

1. 权利要求1不符合专利法实施细则第2条第1款的规定。

权利要求1请求保护一种信息管理装置，对比文件1--CN1346474 A--公开了一种用于访问本地信息的系统和方法，并具体公开了以下技术特征（参见对比文件1的权利要求1、2，附图1-3）：一种本地信息搜索系统，包含服务器计算机和多个消费者计算机以及信息提供者计算机，信息提供者计算机提供多种信息；消费者计算机包含用于与服务器计算机通信的通信装置（相当于本申请的信号传送装置），用于接收由消费者计算机输入的地理区域的输入装置（相当于输出请求接收装置和图像数据接收装置），并存储用户输入的搜索地理区域，远端查询装置（相当于输出目的地信息检索装置），根据所发送的存储的判断标准和搜索地理区域到服务器计算机以查询数据库，GPS目的数据输出装置（相当于信息输出装置）用于输出查询装置的查询结果到消费者计算机；服务器计算机包括数据库（相当于信息存储装置），存储信息提供者识别符、信息的位置、其它信息描述符的信息数据。服务器计算机包括数据库，输入装置，远端查询装置，分别对应于该权利要求的信息存储装置、信息获得装置和检索装置。

其中，权利要求1与对比文件1的特征相比，区别在于：（1）权利要求1中的信息管理装置中还包括了识别信息获得装置，用于响应从查询信号分析从所述便携式终端传送的并由图像数据接收装置接收的图像数据，并获得图像数据包含的与输出装置有关的识别信息，而对比文件1并没有明确指明包含这样的—个信息获得装置，但是，用于接收由消费者计算机输入的地理区域的输入装置必然要完成识别接收的信息以便获得从消费者计算机所传达的信息含义，因此，该技术特征可以从对比文件1中直接导出；

(2) 输出装置信息存储装置所包括的是与输出装置有关的信息, 其中包括图像数据, 而对比文件1的数据库中所存储的数据则是关于信息提供者识别符、信息的位置和其它信息描述的信息数据, 也就是说, 其区别仅仅是所存储的数据内容和类型不同; (3) 服务器计算机包括的数据库, 输入装置, 远端查询装置与对比文件1所公开的信息存储装置、信息获得装置和检索装置它们处理的数据内容不同, 但是这些装置所完成的功能是完全相同的。

由此可见, 对比文件1中的技术方案已经公开了权利要求1全部的硬件结构, 权利要求1与上述最接近的现有技术的区别仅仅在于: 权利要求1中的信息管理装置系统是用于处理某种特定信息的(在本申请中具体表现为货物信息), 从而实现现实的商业输出业务, 也就是权利要求中所述的在现实三维空间中实现拖放操作。也就是说, 权利要求1仅仅是将现有的通过网络进行信息传递和归纳分析并用于查询的系统应用于对商品货物的管理和查询, 利用计算机快速、高效、可处理海量数据的特性来代替人工, 通过网络的便捷、实时处理的特点对商品信息进行存储、归纳和查询从而实现用户远程、实时的根据自己的需要选择货物。因而, 权利要求1所要求保护的内容对现有技术的贡献仅在于通过利用公知的系统对关于货物信息相关数据的处理, 从而基于网络实现快捷、准确地购买货物; 由于其所解决的问题和所获得的效果都仅仅是利用计算机和网络的特性实现的信息的处理和查询, 因而是非技术性的, 其实质是涉及商品货物管理的商业方法。综上所述, 权利要求1所要求保护的内容, 虽然采取了一定的技术手段, 但在所解决的问题和所获得的效果方面, 对最接近的现有技术所作出的贡献是非技术性的。因此, 权利要求1所请求保护的内容不是专利法实施细则第2条第1款所规定的技术方案。

2. 权利要求2请求保护的方案不符合专利法实施细则第2条第1款的规定。

权利要求2请求保护一种信息管理装置, 对比文件1已经公开了其大部分技术特征(参见对权利要求1的评述)。

其中, 权利要求2与对比文件1的特征相比, 区别在于: (1) 权利要求2中的信息管理装置中还包括了识别信息获得装置, 和转换装置用于将识别信息转换为全球识别信息, 而对比文件1并没有明确指明包含这样的一个信息获得装置和转换装置, 但是, 用

于接收由消费者计算机输入的地理区域的输入装置必然要完成识别接收的信息以便获得从消费者计算机所传达的信息含义，并且对比文件1中输出装置输出的就是GPS信息，因此，这些技术特征都可以从对比文件1中直接导出；（2）输出装置信息存储装置所包括的是与输出装置有关的信息，其中包括图像数据，而对比文件1的数据库中所存储的数据则是关于信息提供者识别符、信息的位置和其它信息描述的信息数据，也就是说，其区别仅仅是所存储的数据内容和类型不同；（3）服务器计算机包括的数据库，输入装置，远端查询装置与对比文件1所公开的信息存储装置、信息获得装置和检索装置它们处理的数据内容不同，但是这些装置所完成的功能是完全相同的。

由此可见，对比文件1中的技术方案已经公开了权利要求2全部的硬件结构，权利要求2与上述最接近的现有技术的区别仅仅在于：权利要求1中的信息管理装置系统是用于处理某种特定信息的（在本申请中具体表现为货物信息），而对比文件1中的本地信息搜索系统是用于管理其它信息的，权利要求2要求保护的内容虽然采取了一定的技术手段，但在所解决的问题和所获得的效果方面，对最接近的现有技术所作出的贡献是非技术性的（请参见对权利要求1的评述）。因此，权利要求2所请求保护的内容不是专利法实施细则第2条第1款所规定的技术方案。

3. 权利要求3-4请求保护的方案不符合专利法实施细则第2条第1款的规定。

权利要求3请求保护一种包含输出装置信息存储装置、输出请求接收装置、识别信息获得装置和输出目的地信息检索装置和信息输出装置（即权利要求1中的部分装置），对比文件1已经公开了其大部分技术特征（参见对权利要求1的评述）。其中，权利要求3与对比文件1的特征相比，区别在于：（1）权利要求3中的信息管理装置中还包括了识别信息获得装置而对比文件1并没有明确指明包含这样的一个信息获得装置但是，用于接收由消费者计算机输入的地理区域的输入装置必然要完成识别接收的信息以便获得从消费者计算机所传达的信息含义，并且对比文件1中输出装置输出的就是GPS信息，因此，这些技术特征都可以从对比文件1中直接导出；（2）输出装置信息存储装置所包括的是与输出装置有关的信息，而对比文件1的数据库中所存储的数据则是关于信息提供者识别符、信息的位置和其它信息描述的信息数据，也就是说，其区别仅仅是所存储的数据内容的不同。



由此可见,对比文件1中的技术方案已经公开了权利要求3全部的硬件结构,权利要求3与上述最接近的现有技术的区别仅仅在于:权利要求3中的信息管理装置系统是用于处理某种特定信息的(在本申请中具体表现为货物信息),从而实现现实的商业输出业务,也就是权利要求1所述的在现实三维空间中实现拖放操作。权利要求3所要求保护的内容虽然采取了一定的技术手段,但在所解决的问题和所获得的效果方面,对最接近的现有技术所作出的贡献是非技术性的(请参见对权利要求1的评述)。因此,权利要求3所请求保护的内容不是专利法实施细则第2条第1款所规定的技术方案。

同理,新的权利要求4(对应于原权利要求9)所要求保护的内容虽然采取了一定的技术手段,但在所解决的问题和所获得的效果方面,对最接近的现有技术所作出的贡献也是非技术性的(请参见对权利要求1的评述)。因此,权利要求4所请求保护的内容不是专利法实施细则第2条第1款所规定的技术方案。

#### 4. 权利要求5-10属于专利法第25条第1款第(2)项。

权利要求5请求保护一种信息输出方法,对比文件1--CN1346474 A--公开了一种用于访问本地信息的系统和方法,并具体公开了大部分技术特征(参见第一次审查意见通知书中的评述)。权利要求5与上述最接近的现有技术的区别仅仅在于:权利要求5中的信息输出方法是用于处理某种特定信息的(在本申请中具体表现为货物信息),从而实现现实的商业输出业务,也就是权利要求中所述的在现实三维空间中实现拖放操作,而对比文件1中的本地信息搜索系统是用于管理其它信息的,也就是说,权利要求5仅仅是将现有的通过网络进行信息传递和归纳分析并用于查询的方法应用于对商品货物的管理和查询,利用计算机快速、高效、可处理海量数据的特性来代替人工,通过网络便捷、实时处理的特点对商品信息进行存储、归纳和查询从而实现用户远程、实时的根据自己的需要选择货物。因而,权利要求5所要求保护的内容对现有技术的贡献仅在于通过利用公知的系统对关于货物信息相关数据的处理,从而基于网络实现快捷、准确地购买货物;由于其所解决的问题和所获得的效果都仅仅是利用计算机和网络的特性实现的信息的处理和查询,因而是非技术性的,其实质是涉及商品货物管理的商业方法。综上所述,权利要求5所要求保护的内容,虽然采取了一定的技术手段,但在所解

决的问题和所获得的效果方面，对最接近的现有技术所作出的贡献是非技术性的。因此，权利要求5所请求保护的内容属于专利法第25条第1款第（2）项规定的智力活动。

权利要求6-10也都分别请求保护一种信息输出系统中的信息输出方法，与权利要求10类似，也都分别包含数据传送、信息获得、检索、查询、传送、输出等步骤。对比文件1也都已经公开（或可以直接导出）了这些权利要求的技术特征，它们与现有技术的区别仅仅在于商业的非技术应用，由于其所解决的问题和所获得的效果都仅仅是利用计算机和网络的特性实现的商业信息的处理和查询，因而是非技术性的，其实质是涉及商品货物管理的商业方法。综上所述，权利要求6-10所要求保护的内容，虽然采取了一定的技术手段，但在所解决的问题和所获得的效果方面，对最接近的现有技术所作出的贡献是非技术性的。因此，权利要求6-10所请求保护的内容属于专利法第25条第1款第（2）项规定的智力活动。

基于上述理由，本申请不能被授予专利权，而且本申请的说明书中也没有记载其它任何可获得专利权的实质性内容，因而即使对申请文件进行修改，本申请也不具备被授予专利权的前景。如果申请人不能在本通知书规定的答复期限内提出具有说服力的理由，本申请将被驳回。

电学发明审查部

审查员

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